

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24363)	
DAVID GRONSETH)	Decision: 1563
Applicant)	Source: Unnamed Stream
YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ET AL.)	County: Lake
Protestants)	

DECISION APPROVING APPLICATION 24363 IN PART

BY THE BOARD:

David Gronseth having obtained ownership of Application 24363 which was filed for a permit to appropriate unappropriated water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of Application

1. Application 24363 is for 104 acre-feet per annum (afa) by storage from an unnamed stream tributary to Scotts Creek thence Clear Lake. The diversion season is from November 1 to March 31 and the point of diversion is located within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T14N, R10W, MDB&M. The water is to be used for stockwatering, recreational and fire protection purposes.

Applicant's Project

2. Application 24363 was filed to cover use at Lake Christina (formerly Ora Lake) created by an earth dam which was built in 1957. The dam has no outlet pipe. The capacity of the reservoir was originally 104 acre-feet, but the dam has since been lowered at the request of the Division of Safety of Dams and the reservoir capacity is now about 49 acre-feet. Any permit issued should be limited to 49 af. While the applicant has divided the north half of Section 16 into

four parcels and plans to build four residences, any permit issued pursuant to Application 24363 will authorize use of Lake Christina only for recreation, fire protection and stockwatering. Domestic water will be obtained from three existing wells.

Protests

3. The application was protested by Yolo County Flood Control and Water Conservation District and ten downstream property owners in Scotts Valley. The District's protest was dismissed when an agreement was reached with the applicant. A term is included in the order regarding the agreement. The agreement requires applicant to purchase from Yolo the water collected during winters that Clear Lake does not fill. Storage in Clear Lake has been appropriated by Yolo. One property owner withdrew her protest. All of the remaining protests allege that the reservoir will have an adverse effect on the groundwater supply from which they pump. They allege that the groundwater supply has been diminishing since about 1969.

Availability of Unappropriated Water

4. The watershed area above the dam is approximately 100 acres. Streamflow occurs only during periods of storm runoff. The 20-year average monthly rainfall in nearby Scotts Valley is as follows (inches):

January - 6.97	May - 0.94	September - 0.11
February - 6.45	June - 0.43	October - 2.21
March - 5.01	July - 0.03	November - 3.78
April - 2.68	August - 0.00	December - 8.08

Total November through March = 30.29 inches

Assuming a runoff factor of 50 percent, average runoff at the dam during the storage season requested would be about 126 acre-feet per season.

The protestants are concerned about the impact to the groundwater basin which is their source of water supply. An investigation by the Board and its Report of Referee on February 14, 1978, dealt with the groundwater aquifers in the area. There are three major water bearing units within the basin. Most of the protestants are located in a zone of low yield wells that draw from a perched water table.

The Report of Referee concludes that the basin is not in overdraft. While the aquifers are quite thin and shortage may occur in late summer, full recovery occurs following most winters.

High winter flows occur in most years with normally a sharp peak flow that recedes within several hours. Also flooding occurs approximately once every three years. The high winter flows produce runoff in excess of stream channel percolation rates in sufficient quantities to allow storage of 49 acre-feet under Application 24363 without infringing on groundwater rights of the Scotts Valley protestants.

5. The proposed uses are beneficial.

Environmental Considerations

6. This Board decision authorizes the collection to storage of water in an existing reservoir for stockwatering, recreation and fire protection. This activity involves minor alterations in the condition of land, water and vegetation. Such activity is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Record in this Matter

7. The records, documents, and other data relied upon in determining this matter are: Application 24363 and all relevant information on file therewith, especially the Report of Field Investigation dated October 15, 1975, and the Engineer-in Staff Analysis dated October 2, 1978; topographic maps published by the United

States Geological Survey covering the watershed and project area; Department of Water Resources Bulletins 14 and 130; U.S. Department of Commerce climatological data; the Board's Report of Referee dated February 14, 1978.

Conclusions

8. From the foregoing findings, the Board concludes that Application 24363 should be approved, in part, and a permit issued to the applicant subject to the conditions in the order following:

ORDER

IT IS HEREBY ORDERED that Application 24363 be approved and a permit be issued to the applicant subject to vested rights. The permit shall contain all applicable standard permit terms (5i, 6, 10, 11, 12 and 13)* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year.

2. Complete application of the water to the authorized use shall be made by December 1, 1983.

3. After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

4. Permittee shall, when required by the SWRCB, install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released.

*This Board maintains a list of standard permit terms. Copies may be obtained upon request.

5. This permit is subject to the continuing authority of the State Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized uses. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing.

6. This permit is subject to the agreement dated May 7, 1974, between permittee and Yolo County Flood Control and Water Conservation District to the extent such agreement covers matters within the Board's jurisdiction.

Dated: July 17, 1980

/S/ CARLA M. BARD
Carla M. Bard, Chairwoman

/S/ WILLIAM J. MILLER
William J. Miller, Vice-Chairman

/S/ L. L. MITCHELL
L. L. Mitchell, Member

ABSENT
Jill B. Dunlap, Member

ABSENT
F. K. Aljibury, Member

